

Appl. No. 10/798,495  
Response Dated June 4, 2007  
Response to Office Action dated July 31, 2006

## REMARKS

### Office Communication

The Examiner's May 3, 2007 Office Communication correctly noted that the status identifier for claim 29 did not correspond with the text of the claim. The identifier has been corrected and the following comprises Applicant's substantive response to the Examiner's July 31, 2006 Office Action.

### Claim Rejections

#### 35 U.S.C. 102(b) - Claims 31 and 32

The examiner rejected claims 31 and 32 under 35 U.S.C. 102(b) over a patent to Zehrung in view of a patent to Otto. Applicant respectfully requests that this rejection be withdrawn for at least two reasons.

First, these claims depend from claim 29 which is allowable for the reasons set forth below, making these claims also allowable.

Second, it is improper to combine references when rejecting claims under 35 U.S.C. 102. As provided in this code section the invention is anticipated if it "was patented or described in a printed publication." As provided in MPEP 706.02, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. For anticipation, one reference must be cited as teaching all elements of the claims. In this case the examiner improperly combined the teachings of two references to find anticipation.

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35 U.S.C. 103 - Claims 1-7, 14-15, 29, 31 and 31

The examiner rejected claims 1-7, 14-15, 29, 31 and 32 under 35 U.S.C. 103(a) and being unpatentable over Zehrung (U.S. 6,732,557) in view of Otto III et al. (US 5,487,289). Of these claims, 1 and 29 are independent claims from which the remaining claims depend. Although applicant does not agree with the examiner's findings, claims 1 and 29 have been amended to further claim the Applicant's invention described in the present application.

Specifically, claim 1 has been amended to further describe the solenoid having a solenoid body with a longitudinal bore, with a rod/tip assembly capable of being mounted at opposite ends of said bore in fail safe and fail secure modes. The claim has also been amended to further the operation of the solenoid spring in the fail secure mode, with the spring still having a spring rate substantially matching the power curve of the solenoid assembly.

The cited references do not disclose, teach or suggest the longitudinal bore, plunger and rod/tip assembly as provided in claim 1. The examiner cites Otto for teaching the relationship of the spring to the power of the solenoid. Applicant respectfully submits that there is no such teaching in Otto. Otto simply mentions the use of a conical as follows: "A conical spring 57 may be positioned between the solenoid 54 and annular disk 40 to aid in overcoming engagement with the magnet." There is no mention of the power curve of the solenoid and matching that power curve with the solenoid for extending power consumption and operational life as provided in the present application. Instead, the conical spring in Otto is provided for a completely different reason, to overcome engagement with a magnet. Further, the references do not teach using a solenoid spring when operating in the fail secure mode of a lock.

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Claim 29 has similar limitations to those of claim 1 regarding the solenoid spring. Applicant respectfully submits that claims 1 and 29 are allowable over the cited references. Claim 2-7, 14-15, 31 and 32 depend from these allowable independent claims and are also allowable.

35 U.S.C. 103 - Claims 1, 8-12

The examiner rejected claims 1, 8-12 under 35 U.S.C. 103 as being unpatentable over Kambic (US 4,429,556) in view of Otto. Applicant respectfully requests that this rejection be withdrawn based on the claim amendments herein. Specifically, Kambic does not teach a lock having a solenoid that can be interchangeable between fail safe and fail secure modes. Instead the lock is Kambic is described as being used with two different types of solenoids, one fail safe and the other fail secure. As provided in Kambic, "the solenoid 172 can be one of two types, dependant upon whether the knob lock arrangement is to be 'fail secure' or 'fail safe'". There is not description of a single solenoid interchangeable between the two modes.

Regarding Otto, as described above this reference does not teach the relationship between spring rate and solenoid power.

For these and other reasons, claims 1 and 8-12 are allowable over Kambic and Otto.

35 U.S.C. 103 - Claims 13 and 16

Claims 13 and 16 were also found unpatentable over a combination of references. These claims, however, depend from claim 1 which is allowable for the above reasons. Accordingly, claims 13 and 16 are also allowable.

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35 U.S.C. 103 - Claims 17-26

The examiner rejected claim 17-26 by combining the teachings of Foshee with one or more of the references cited above. It is the examiners opinion that Foshee teaches that it is known to construct a latch that includes a part that melts at an elevated temperature so that the latch bolt cannot thereafter be retracted. This however, mischaracterizes the claim language used herein. These claims specifically require the latch bolt comprises a retractor that melts at an elevated temperature so that said latch bolt cannot thereafter be retracted. In Foshee arrangement is very specific to a fusible link 66 that operates with a slide plate 62. There is no mention of a retractor that melts and no suggestion to a meltable retractor arrangement. Applicant respectfully submits that Foshee does not disclose teach or suggest the important limitation, and for this reason claims 17-26 are allowable.

Applicant requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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June 4, 2007

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